

## REMARKS

In response to the Examiner's Action mailed on July 28, 2003, Figs. 1, 3A and 3B and claims 1, 3, 10, and 13 are amended. The applicants hereby respectfully request that the patent application be reconsidered.

An item-by-item response to Examiner's objections or rejections is provided in the followings:

### *1. Objections to Drawings*

The Examiner objects to Figure 1. Fig. 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 602.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 100. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In response to the objections, Figs. 1, 3A, and 3B are amended. A set of corrected drawings are submitted herein with this Amendment Transmittal with the informalities directed by the Examiner above are corrected.

### *2. Claim Rejection – 35 USC § 112*

The Examiner rejects Claims 1-20 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. According to the Examiner, the term "right in front of the target wafer" is not clearly shown in Figs. 3A, 3B and Fig. 2. Particularly, Figures. 3A and 3B show a neutral beam stopper disposed between the target and the beam deceleration

optics. It is not clear from the figures, i.e., Fig. 2 and Figs 3A and 3B, what is meant by the term "right in front of the target wafer".

In response to the rejection, claims 1, 3, 10 and 13 are amended.

- a) For claims 1 and 3, the term "right in front" is changed to "disposed at an entrance of said target wafer chamber" as that shown in Figs. 2 and 3A, 3B.
- b) For claims 10 and 13, the term "right in front of said target wafer" is further defined by additional limitation as " along an implanting ion beam-path". Even the neutral particle stopper (155) is physically disposed between the deceleration optics and the target wafer, however, when trace along the implanting ion beam-path the deceleration optics is disposed "right in front of the target wafer" as shown in both Fig. 2 and Figs. 3A and 3B.

### 3. *Claim Rejection – Double Patenting*

The Examiner rejects claims 1-20 under the judicially created doctrine of obviousness-type double patenting over claims 1-20 of US Patent 6,489,622. Although the conflicting claims are not identical, they are not patentably distinct from each other because both 6,489,622 and the instant application teach a method for performing ion implantation comprising a target chamber, an ion source chamber including an ion source, a beam deceleration optics comprising electrodes right in front of the target, a vertically spread beam, an analyzer magnet, and the appropriate beam-width ratio, energy level, and degrees of projection direction of the neutralized particles.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper time-wise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969). The

Examiner further instructs that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. ( 37 CFR 1.130(b)).

In response to the rejections, a Terminal Disclaimer over US Patent 6,489,622 is submitted with this Amendment Transmittal in compliance with 37 CFR 1.321(c).

For the amendment set forth and the reasons provided above, the Applicants would like to respectfully request that Examiner's objection and rejections be withdrawn. Furthermore, the Applicants respectfully request that the amended Application be allowed and issued as a Patent.

Respectfully submitted for Jiong Chen et al.

By



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